

TOWNSEND and TOWNSEND and CREW LLP

By: Tina Trieu
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DALE B. SCHENK et al.

Application No.: 09/724,288

Filed: November 28, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Confirmation No.: 9431

Examiner: Daniel E. Kolker

Art Unit: 1649

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In compliance with the requirements of 37 CFR §1.98(a)(2), copies of non US patent cite nos. 186, 220, 223, 558-561, 569, 639, 664, 745-746, 790, 793, 856, 875, 904, 907-923, 925-942, 947, 950, 952, 1042, 1046-1049, 1070-1083, and 1085-1093 are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicant also cites the following copending applications which are directed to related subject matter and are commonly owned or under an assignment obligation to be commonly owned:

09/201,430 filed 11/30/98; issued as U.S. 6,787,523 on 09/07/04;

09/322,289 filed 05/28/99;
09/580,018 filed 05/26/00; issued as U.S. 6,761,888 on 07/13/04;
09/723,384 filed 11/27/00; issued as U.S. 6,710,226 on 03/23/04;
09/723,762 filed 11/28/00; issued as U.S. 6,787,144 on 09/07/04 ;
09/723,765 filed 11/28/00;
09/723,927 filed 11/28/00; issued as U.S. 6,787,138 on 09/07/04;
09/724,102 filed 11/28/00; issued as U.S. 6,787,139 on 09/07/04;
09/724,288 filed 11/28/00;
09/724,319 filed 11/27/00;
09/724,477 filed 11/28/00; issued as U.S. 6,787,143 on 09/07/04;
09/724,489 filed 11/28/00; issued as U.S. 6,787,140 on 09/07/04;
09/724,551 filed 11/28/00; issued as U.S. 6,787,637 on 09/07/04;
09/724,552 filed 11/28/00; issued as U.S. 6,750,324 on 06/15/04;
09/724,567 filed 11/28/00; issued as U.S. 6,890,535 on 05/10/05;
09/724,570 filed 11/28/00; issued as U.S. 6,936,246 on 08/30/05;
09/724,940 filed 11/28/00; issued as U.S. 6,905,686 on 06/14/05;
09/724,953 filed 11/28/00; issued as U.S. 6,875,434 on 04/05/05;
09/724,961 filed 11/28/00; issued as U.S. 6,743,427 on 06/01/04;
09/979,952 filed 04/09/02 (U.S. National Stage of PCT/US00/15239 filed 06/01/00);
issued as U.S. 6,913,745 on 07/05/05;
10/429,216 filed 05/30/03;
10/777,792 filed 02/11/04;
10/815,353 filed 03/31/04; issued as U.S. 6,808,712 on 10/26/04;
10/815,391 filed 03/31/04; issued as U.S. 6,866,849 on 03/15/05;
10/815,404 filed 03/31/04; issued as U.S. 6,982,084 on 01/03/06;
10/816,022 filed 03/31/04; issued as U.S. 6,866,850 on 03/15/05;

10/816,380 filed 03/31/04; issued as U.S. 7,014,855 on 03/21/06;
10/816,529 filed 03/31/04; issued as U.S. 6,818,218 on 11/16/04;
10/828,548 filed 04/19/04;
10/884,892 filed 07/01/04; issued as U.S. 6,962,707 on 11/08/05;
10/890,000 filed 07/12/04;
10/923,469 filed 08/20/04;
10/923,471 filed 08/20/04;
10/933,559 filed 09/02/04; issued as U.S. 6,972,127 on 12/06/05;
10/934,609 filed 09/02/04; issued as U.S. 6,946,135 on 09/20/05;
11/108,102 filed 04/15/05;
11/245,524 filed 10/07/05;
11/245,916 filed 10/07/05;
11/842,085 filed 08/20/07;
11/842,101 filed 08/20/07;
11/842,113 filed 08/20/07;
11/842,116 filed 08/20/07;
11/842,120 filed 08/20/07; and
11/894,665 filed 08/20/07.

Applicant also cites the following copending applications directed to related subject matter but subject to different assignment:

60/083,827 filed 07/25/2008;
60/999,423 filed 10/17/2007;
10/010,942 filed 12/06/01; issued as US 7,189,819 on 03/13/07;
10/232,030 filed 08/30/02;
10/388,214 filed 03/12/03; issued as US 7,256,273 on 08/14/2007;
10/388,389 filed 03/12/03; issued as US 7,179,892 on 02/20/07;

10/544,093 filed 08/01/05 (U.S. National Stage of PCT/US04/02856 filed 01/31/04);
10/583,503 filed 06/16/06;
10/858,855 filed 06/01/04;
11/244,678 filed 10/05/05;
11/303,478 filed 12/15/05;
11/304,986 filed 12/15/05;
11/305,889 filed 12/15/05;
11/305,899 filed 12/15/05;
11/342,353 filed 01/27/06;
11/454,772 filed 06/16/06;
11/516,724 filed 09/05/06;
11/520,438 filed 09/12/06;
11/664,865 filed 10/06/05;
11/707,639 filed 02/16/07;
11/841,794 filed 08/20/07;
11/841,832 filed 08/20/07;
11/841,849 filed 08/20/07;
11/841,857 filed 08/20/07;
11/841,882 filed 08/20/07;
11/841,919 filed 08/20/07;
11/841,950 filed 08/20/07;
11/841,993 filed 08/20/07;
11/842,023 filed 08/20/07;
11/842,042 filed 08/20/07;
11/842,056 filed 08/20/07;
11/893,094 filed 08/13/07;

11/893,103 filed 08/13/07;
11/893,110 filed 08/13/07;
11/893,123 filed 08/13/07;
11/894,714 filed 08/20/07;
11/894,754 filed 08/20/07;
11/894,789 filed 08/20/07;
12/037,045 filed 02/25/08, and
12/181,238 filed 07/28/2008.

Applicant further cites the following commonly owned abandoned applications or abandoned applications under an assignment obligation to be commonly owned which are directed to related subject matter:

09/204,838 filed 12/03/98;
09/497,553 filed 02/03/00;
09/579,690 filed 05/26/00;
09/580,015 filed 05/26/00;
09/580,019 filed 05/26/00;
09/585,656 filed 06/01/00;
09/723,544 filed 11/28/00.
09/723,713 filed 11/27/00;
09/723,725 filed 11/27/00;
09/723,760 filed 11/27/00;
09/723,766 filed 11/27/00;
09/724,273 filed 11/28/00;
09/724,575 filed 11/28/00;
09/724,291 filed 11/28/00;
09/724,495 filed 11/27/00;

09/724,921 filed 11/28/00;
09/724,929 filed 11/28/00;
09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00);
09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00);
10/788,666 filed 02/27/04;
10/822,968 filed 04/12/04;
10/823,463 filed 04/12/04;
10/889,999 filed 04/12/04;
10/890,024 filed 04/12/04;
10/890,070 filed 07/12/04;
10/890,071 filed 07/12/04;
10/923,267 filed 08/20/04;
10/923,474 filed 08/20/04;
10/923,605 filed 08/20/04;
10/928,926 filed 08/27/04;
10/934,818 filed 09/02/04;
10/934,819 filed 09/02/04;
11/058,757 filed 02/14/05;
11/396,391 filed 03/30/06;
60/067,219 filed 12/03/97;
60/067,740 filed 12/02/97;
60/079,697 filed 03/27/98;
60/080,970 filed 04/07/98;
60/136,655 filed 05/28/99;
60/137,010 filed 06/01/99; and
60/137,047 filed 06/01/99.

Applicant also cites the following abandoned applications directed to related subject matter but subject to different assignment:

10/703,713 filed 11/07/03;

10/704,070 filed 11/07/03;

10/771,174 filed 02/04/04;

10/789,273 filed 02/27/04;

11/260,047 filed 10/26/05;

11/304,072 filed 12/15/05;

11/396,417 filed 03/30/06;

11/413,638 filed 04/28/06;

60/251,892 filed 12/06/00;

60/363,751 filed 03/12/02;

60/444,150 filed 02/01/03;

60/474,654 filed 05/30/03;

60/530,481 filed 12/17/03;

60/616,474 filed 10/05/04;

60/622,525 filed 10/26/04;

60/636,684 filed 12/15/04;

60/636,687 filed 12/15/04;

60/636,776 filed 12/15/04;

60/636,810 filed 12/15/04;

60/636,842 filed 12/15/04;

60/637,138 filed 12/16/04;

60/637,253 filed 12/16/04;

60/648,631 filed 01/28/05;

60/691,821 filed 06/17/05;

60/735,687 filed 11/10/05;
60/736,045 filed 11/10/05;
60/736,119 filed 11/10/05; and
60/793,014 filed 04/18/06.

Applicant points out that the following applications are now commonly assigned but were previously subject to different assignment than the present application:

09/204,838 filed 12/03/98;
09/724,921 filed 11/28/00;
09/724,929 filed 11/28/00;
60/067,219 filed 12/03/97; and
60/079,697 filed 03/27/98.

Applicant understands the Examiner can access papers from the prosecution of the cited cases electronically via PALM. However, if the Examiner has difficulty obtaining papers from that source he or she are invited to call the undersigned who will be happy to supply them.

"Grant Application; Raso, Immunology of Alzheimer's Disease', 1/1998,'" cited by the Examiner in Application No. 09/579,690, was previously cited in the Information Disclosure Statement submitted September 9, 2003 as cite no. 304. Application No. 09/579,690 is a commonly owned pending application directed to subject matter related to the instant application. Applicants believe "1/1998" is not the publication date as alleged by the Examiner, but refers to the grant funding cycle. Applicants further believe the date of public accessibility, if any, is unknown. Applicants wish to bring to the Examiner's attention that a copy of a grant application believed to have been submitted by Victor Raso for NIH Grant 1 R43 AGI 5746-01 on August 29, 1997 was previously cited in the initial IDS submitted September 10, 2001 as cite no. 144. Cite no. 144 is a redacted version of cite no. 304. Applicants obtained cite no. 144 under the Freedom of Information Act (FOIA). It is believed that the grant proposal would not

have been accessible under FOIA before April 2, 1998, but the exact date of public accessibility, if any, is not known to Applicants.

Cite no. 186 was previously cited in the initial IDS submitted on September 10, 2001, but was lacking a publication date and was therefore not considered by the examiner. The publication date has since been identified and cite no. 186 is re-cited on the PTO/SB/08B attached hereto.

Cite nos. 220 and 223 were previously cited in the Supplemental IDS submitted on September 9, 2003, but were lacking publication dates and were therefore not considered by the examiner. The publication dates have since been identified and cite nos. 220 and 223 are re-cited on the PTO/SB/08B attached hereto.

Cite no. 569 was previously cited in the Supplemental IDS submitted on May 23, 2005, but was lacking a publication date and was therefore not considered by the examiner. The publication date has since been identified and cite no. 569 is re-cited on the PTO/SB/08B attached hereto.

Cite no. 639 was previously cited in the Supplemental IDS submitted on April 5, 2006, but was lacking a publication date and was therefore not considered by the examiner. The publication date has since been identified and cite no. 639 is re-cited on the PTO/SB/08B attached hereto.

Cite no. 664 was previously cited in the Supplemental IDS submitted on April 5, 2006. The citation of cite no. 664 inadvertently contained an error in the publication date. The publication date has since been corrected and cite no. 664 is re-cited on the PTO/SB/08B attached hereto.

Cite nos. 790 and 793 were previously cited in the Supplemental IDS submitted on December 21, 2006, but were lacking publication dates and were therefore not considered by the examiner. The publication dates have since been identified and cite nos. 790 and 793 are re-cited on the PTO/SB/08B attached hereto.

In the Supplemental Information Disclosure Statement filed on July 20, 2007, Applicant cited cite no. 856, Seubert et al., "Antibody Capture of Soluble A β does not Reduce Cortical A β Amyloidosis in the PDAPP Mouse," Neurodegenerative Diseases, (2007). Applicant notes the citation mistakenly recited 2007 as the year of publication, however at the time of submission of the Supplemental Information Disclosure Statement, the article had been submitted for publication but had not yet published. Therefore Applicant provided a copy of the unpublished manuscript with the Supplemental IDS. A copy of the article which was published on January 4, 2008 is submitted herewith as cite no. 856.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance. Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



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